IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 893 (S/S) of 2007

Smt. Shiba Siddiqui W/o Gajendra Singh Bisht, at present posted as Assistant Teacher Junior High School Pakhural Hawalbagh District-Almora ---------- Petitioner

Versus

1. State of Uttarakhand through Secretary (Education), Dehradun, District- Dehradun
2. Director of Education (School Education) Uttarakhand, Mayur Vihar Sahstradhara Road, Dehradun
3. Additional Director (Education), Kumaon Mandal, Nainital
4. District Education Officer, Almora, District- Almora
5. Additional District Education Officer (Basic), Almora, District-Almora

-------Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Lalit Sharma, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has challenged the transfer order dated 11.06.2007 passed by respondent no. 5 Additional District Education Officer (Basic), Almora, by which the petitioner has been transferred from Junior High School, Pakhura, Hawalbagh to Junior High School Melta Jol, Dholadevi District Almora on the ground that she is working against the inconsistent subject.

The petitioner has attacked the transfer order on various grounds. First ground of attack is that the husband of the petitioner is also working as Assistant Teacher, Primary School Ghursun and the petitioner has been transferred far away from her

present place of posting, while there is guideline issued by the State Government that husband and wife, if in service of Uttarakhand Government as far as possible, they may be posted at one place or nearby. Learned counsel for the petitioner has prayed that the petitioner could have been transferred in a nearby place where the post is vacant.

I do not find any force in the submission made by the learned counsel for the petitioner as the guideline provides to place the husband and wife at one place as far as it is possible, but the department is not bound to place husband and wife at one place in each and every case.

The second ground of the petitioner is that she has already worked in *durgam and atidurgam* place for a period of more than 9 years and now only after 7 months' service in *sugam* area, she has again been transferred on the ground that she is working against inconsistent subject.

Learned Standing Counsel has submitted that as per the report of News Paper, the State Government is in dilemma as to which of the place/region of the State is to be classified as *dugram, ati durgam* and *sugam* place.

Learned Counsel for the petitioner has further submitted that in this regard, the petitioner, raising all her grievances, has already moved a representation on 27.06.2007, Annexure 4 to the writ petition, before respondent no. 4, District Education Officer, Almora, which is still pending before him.

In the circumstances, I deem it fit and proper to direct the respondent no. 4 to take decision on the representation of the petitioner within a period of two weeks' from the date of production of a certified copy of this order before him. Learned counsel for the petitioner is also directed to produce a certified copy of this order before respondent no. 4 within a period of 7 days from today.

It is expected from the respondent no. 4 to follow up the guidelines framed by the Government in respect of transfer and shall try to adjust the petitioner, if it is not possible in the institution where the husband of the petitioner is working, at any nearby place where the post is vacant.

Till the representation is decided by respondent no. 4 or till 10th August, 2007, whichever is earlier, the petitioner shall not be relieved from her present place of posting.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

13.07.2007
VKS